

(e) "State office" means the office of the State Agricultural Stabilization and Conservation Committee.

(f) "Secretary of Agriculture" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(g) "Claim" means a request for refund of penalty.

(h) "Claimant" means any person who makes claim for a refund of penalty.

(i) "Penalty" means an amount of money collected from or on account of any person with respect to cotton in the administration of the act and paid to the Secretary of Agriculture and covered into the general fund of the Treasury of the United States, as provided in section 372(b) of the act.

(j) "Farm marketing quota" or "quota" mean the cotton marketing quota established under Title III of the act for the farm for the marketing year with respect to which the sum collected as a penalty involved in the claim was paid.

(k) "Person" means an individual, partnership, firm, corporation, joint-stock company, association, trust, or estate, or any agency of a State government or the Federal Government.

(l) "Farm" means the farm for which the marketing quota involved in the claim was established.

(m) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer, was entitled under the terms of his tenure or rental or cropping agreement relating to the production of cotton to share in any of the cotton produced on or marketed from the farm.

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

Sec.	Definitions.
717.1	Definitions.
717.2	Agencies through which a referendum shall be conducted.
717.3	Voting eligibility.
717.4	Place for balloting.
717.5	Time of voting.
717.6	Notice of referendum.
717.7	Manner of voting.
717.8	Local arrangements for holding the referendum.
717.9	Issuing ballots to voters.

717.10 Community referendum committee's canvass of ballots and record of results of the referendum.

717.11 County committee's canvass of ballots and record of results of the referendum.

717.12 State committee's record of the result of the referendum.

717.13 Results of referendum.

717.14 Applicability of regulations to Puerto Rico.

AUTHORITY: §§ 717.1 to 717.14 issued under secs. 312, 336, 343, 354, 358, 375, 377, 52 Stat. 46, 55, 56, 61, 66, as amended; 55 Stat. 88; 70 Stat. 206, as amended; secs. 106, 112, 70 Stat. 191, 195; 7 U.S.C. 1312, 1336, 1343, 1354, 1358, 1375, 1377, 1824, 1836.

SOURCE: §§ 717.1 to 717.14 appear at 28 F.R. 13249, Dec. 6, 1963.

§ 717.1 Definitions.

As used in the regulations in this part and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) *Act*. The Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(b) *Deputy Administrator*. The Deputy Administrator or the Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(c) *Secretary*. The Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereinafter be delegated, to act in his stead.

(d) *State committee*. The persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(e) *County committee*. The persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(f) *Person*. An individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State,

the Federal Government, or any agency thereof.

(g) *County office manager.* The person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation county office, or the person acting in such capacity.

(h) *Engaged in the production.* The term "engaged in the production" shall include planting a crop even though the crop is not harvested if such failure to harvest is not caused by the neglect of the farmer. In addition,

(1) Each person who shared in a crop, or proceeds thereof, actually harvested on a farm as an owner, cash tenant, landlord of a share tenant, share tenant (including, in the case of rice, furnishing water for a share of the crop), or share-cropper shall be considered engaged in the production of such crop in the year in which such crop was harvested; and

(2) Each person who was either the owner or operator of a farm for which an acreage allotment for a crop of any commodity was established but on which such crop was not produced shall be deemed to be engaged in the production of such crop in the year in which such crop, if produced, would have been harvested to the extent of the acreage of the commodity deemed devoted to such crop for history purposes under applicable provisions of law in which he would have shared if such crop had been produced.

(i) *State executive director.* The person employed by the State committee to execute the policies of the State committee and to be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State Office, or the person acting in such capacity.

(j) *Upland cotton.* Any cotton other than extra long staple cotton.

(k) *Extra long staple cotton.* American-Egyptian, Sea Island and Sea Island cotton, and all other varieties of the Barbados species and any hybrid thereof, and any other cotton in which one or more of these varieties predominates, as provided under section 347(a) of the act.

(l) *Tobacco.* Each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Num-

bered 118 of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13 and 14;

Fire-cured tobacco, comprising types 21, 22, 23 and 24;

Dark air-cured tobacco, comprising types 35 and 36;

Virginia sun-cured tobacco, comprising type 37;

Burley tobacco, comprising type 31;

Maryland tobacco, comprising type 32;

Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 53, 54 and 55;

Cigar-binder tobacco, comprising types 51 and 52;

Puerto Rican cigar-filler tobacco, comprising type 46;

Cigar-filler tobacco, comprising type 41.

(m) *Referendum community.* Referendum communities shall conform with communities established under regulations governing ASC county and community committees published in Part 7 of this title (7 CFR Part 7), as amended, except that (1) in counties with 100 or more farms on which there are producers eligible to vote in the referendum, the county committee may, if it determines eligible producers will be given a convenient place to vote, combine communities with less than 25 farms on which there are producers eligible to vote, with other communities, and (2) in counties with less than 100 farms on which there are producers eligible to vote in the referendum, the county committee and the State committee may determine that the county is to be treated as one referendum community.

§ 717.2 Agencies through which a referendum shall be conducted.

(a) *Utilization of existing agencies.* The Deputy Administrator shall be in charge of and responsible for conducting each referendum on marketing quotas for any commodity required by the act. Each State committee shall be in charge of and responsible for conducting such referendum in its State. Each county committee shall be responsible for the proper holding of such referendum in its county. It shall be the duty of the Deputy Administrator and of each committee to conduct each referendum by secret ballot in a fair, unbiased and impartial manner in accordance with the regulations in this part.

(b) *Community referendum committees where one referendum is to be conducted.* Except where the entire county is to be considered a referendum com-

munity, the county committee shall designate a community referendum committee for each referendum community. Each referendum committee shall consist of at least three regular members and one alternate and may be increased if more than one polling place is to be provided in the referendum community to provide at least two regular members at each polling place. In no event shall the regular membership exceed six members. The membership of the referendum committee shall be chosen from among the farmers who reside in the community and who are eligible to vote in the referendum or who are community committeemen elected pursuant to the regulations governing county or community committees (Part 7 of this title). The county committee shall name one member of the community referendum committee as chairman and another member thereof as vice-chairman. The vice-chairman shall act as the chairman in the event of the absence or incapacity of the chairman and the alternate shall serve on the committee in the place of any regular member who cannot serve. The community referendum committee shall be responsible for the proper holding of the referendum in its community in a fair, unbiased and impartial manner in accordance with the regulations in this part. In counties where the entire county is treated as one referendum community, the county committee shall perform, in addition to its other duties, the duties of the community referendum committee.

(c) *Community referendum committees where two or more referendums are to be conducted.* Where two or more referendums are to be held in the county on the same day, the provisions of paragraph (b) of this section shall be applicable except that (1) the total number of farms on which there are producers eligible to vote in any one or more of such referendums shall be used to determine whether there are 100 or more farms on which there are producers who are eligible to vote in the referendums, and (2) each community referendum committee shall be chosen from among the farmers who reside in the community and who are eligible to vote in any of such referendums or who are community committeemen elected pursuant to the regulations governing county and community committees (Part 7 of this title).

§ 717.3 Voting eligibility.

(a) *Special eligibility requirements with respect to particular commodities—*

(1) *Upland Cotton.* Farmers eligible to vote in a referendum with respect to upland cotton shall be those farmers who were engaged in the production of upland cotton in the calendar year in which the referendum is held. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. Any farmer whose only cotton production in such year consisted of extra long staple cotton shall not be eligible to vote in the upland cotton referendum, but if otherwise eligible, may vote in the extra long staple cotton referendum.

(2) *Extra long staple cotton.* Farmers eligible to vote in a referendum with respect to extra long staple cotton shall be those farmers who were engaged in the production of extra long staple cotton in the calendar year in which the referendum is held. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. Any farmer whose only cotton production in such year consisted of upland cotton shall not be eligible to vote in an extra long staple cotton referendum, but, if otherwise eligible, may vote in the upland cotton referendum.

(3) *Tobacco.* Farmers eligible to vote in a referendum with respect to a particular kind of tobacco will be those farmers who were engaged in the production of the crop of the kind of tobacco with respect to which the referendum is held which is harvested immediately prior to the referendum. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(4) *Wheat.* Any producer who has a farm acreage allotment shall be eligible to vote in any referendum held pursuant to 7 U.S.C. 1336, as amended: *Provided*, That a producer on a farm with a wheat acreage allotment of less than 15 acres shall be eligible to vote only if the operator on such farm files with the county committee, not later than seven days prior to the date of the referendum, an election in writing to be subject to the wheat marketing quota for the farm. For example, if the referendum for the 1964 crop of wheat is held on May 21, 1963, the election to be subject to the wheat marketing quota for the farm must be delivered to the county ASCS office for the county in which the farm

is located during business hours on or before May 13, 1963, or must be mailed to such office in time for the envelope to bear a postmark of May 13, 1963, or a date prior to May 13, 1963. A farm operator may request, in writing, the withdrawal of any previous election provided the withdrawal is filed in the county office of the county in which it was filed, no later than the date by which the original election must have been filed, or, if mailed, be postmarked on or before such date. For the foregoing purpose, a producer who has a farm acreage allotment is any person who as owner-operator, landlord, tenant, or sharecropper on a farm for which there is established a farm acreage allotment greater than zero for wheat of the first crop for which the referendum is held, will share in such first crop of wheat, or the proceeds of such crop, produced on the farm, or, in the absence of such production, would be entitled to a share of such crop or the proceeds thereof if it were produced. If a person is shown on the allotment notice (Form MQ-24) for the farm for the first crop for which the referendum is held as an owner or operator, such person shall be presumed to be eligible to vote in the referendum if the notice is for an allotment greater than zero and, in the case of a farm allotment of less than 15 acres, the election to be subject to the wheat marketing quota for the farm has been duly filed. However, a person whose name appears on the Form MQ-24 may be challenged for cause as not being eligible, in which case the presumption may be overcome by relevant evidence. A person whose name does not appear on the Form MQ-24, but who meets the eligibility requirements, shall be entitled to vote. A landlord of a cash rent tenant shall not be eligible to vote in a wheat referendum.

(5) *Rice.* Farmers eligible to vote in a referendum with respect to rice will be those farmers who, in the continental United States and with respect to the crop of rice harvested immediately preceding the date of the referendum, engaged in the production of irrigated rice, or engaged in the production of more than three acres of nonirrigated rice on a farm. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. A person who obtained a rice allotment with respect to the crop of rice harvested immediately prior to the ref-

erendum as a new producer under applicable regulations and did not plant any of such rice allotment shall not be eligible.

(6) *Peanuts.* Farmers eligible to vote in a referendum with respect to peanuts will be those farmers who were engaged in the production of more than one acre of peanuts for nuts on a farm in the calendar year in which the referendum is held. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(b) *General eligibility requirements which apply to referenda on any commodity.* (1) A person as defined in § 717.1(f) may qualify as an eligible voter by meeting the eligibility requirements, but no such person shall be entitled to more than one vote regardless of the number of farms in which the person is interested or the number of communities, counties, or States in which are located farms in which such person is interested: *Provided, however,* That the individual members of a qualified partnership shall each have one vote, but the partnership as such shall not have a vote and an individual who qualifies as an eligible voter by reason of his separate farming operations will be entitled to one vote even though he is interested in an organization such as (but not limited to) a corporation which is also eligible as a voter and entitled to one vote. A person who, as a guardian, administrator, executor or trustee has a farm acreage allotment for wheat or engages in the production of any other commodity will be eligible to vote in such fiduciary capacity if, in such capacity, he qualifies as an eligible voter under § 717.3(a) hereof. In such cases the person for whom he is acting in a fiduciary capacity will not be eligible to vote. An individual may, if otherwise eligible, cast a ballot in his individual capacity although he may also cast a ballot as a guardian, administrator, executor, or trustee. An individual who holds more than one fiduciary position may vote as a fiduciary in each case in which he is otherwise eligible, as for example, if John Doe is administrator of estate X, he may cast a ballot as administrator of estate X, and if he is also administrator of estate Y, he may cast another ballot as administrator of estate Y.

(2) Where a group of several persons, such as husband, wife and children, have participated or will participate in the

production of a commodity under the same lease or cropping agreement only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote. In the event two or more persons have produced or will produce a commodity as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise qualified. Whether a husband or wife is entitled to vote does not depend upon whether the other spouse is entitled to vote. Each individual's right to vote, whether single or married, depends upon his or her own qualifications. A minor is not disqualified from voting solely because of his minority if otherwise eligible.

(3) Subject to the provisions of § 717.7(c), a farmer or producer eligible to vote, (i) for all commodities except wheat shall vote only at a polling place designated for the referendum community in which he was engaged in the production of the commodity for which the referendum is held, and (ii) in the case of wheat shall vote only at a polling place designated for the referendum community in which the farm on which he is a wheat producer is located.

(c) *Register of voters.* The community referendum committee shall cause to be prepared a register of voters on Form MQ-4 at each polling place designated for a referendum community where the referendum is held by entering on such register the names and addresses of persons voting in the referendum.

§ 717.4 Place for balloting.

The county committee shall designate at least one place for balloting in each referendum community. The polling place shall be one well known to and readily accessible to the persons in the community and shall be equipped and arranged so that each voter can mark and cast his ballot in secret and without coercion, duress, or interference of any sort whatsoever.

§ 717.5 Time of voting.

There shall be no voting except on the day fixed for the holding of the referendum (except as provided in § 717.7(c) in the case of absentee ballots) and the day fixed for the holding of the referendum shall be the same in all neighborhoods, communities, counties and States. The date for holding the referendum shall be determined by the Secretary in accord-

ance with the provisions of law applicable thereto and stated in the notice of the referendum prescribed by him. The time that polls shall be opened and closed on the date fixed for holding the referendum in the States and Puerto Rico is as follows:

State	Polls to open	Polls to close
	<i>a. m.</i>	<i>p. m.</i>
Alabama.....	8:00	6:00
Alaska.....	8:00	6:00
Arizona.....	8:00	6:00
Arkansas.....	8:00	6:30
California.....	8:00	6:00
Colorado.....	7:00	7:00
Connecticut.....	8:00	6:00
Delaware.....	8:00	6:00
Florida.....	8:00	6:00
Georgia.....	8:00	6:00
Idaho.....	8:00	8:00
Illinois.....	8:00	6:00
Indiana.....	8:00	6:00
Iowa.....	8:00	8:00
Kansas.....	8:00	8:00
Kentucky.....	8:00	6:00
Louisiana.....	8:00	6:00
Maine.....	8:00	6:00
Maryland.....	8:00	6:00
Massachusetts.....	8:00	6:00
Michigan.....	8:00	8:00
Minnesota.....	8:00	8:00
Mississippi.....	8:00	6:00
Missouri.....	8:00	6:00
Montana.....	8:00	7:00
Nebraska.....	8:00	8:00
Nevada.....	8:00	6:00
New Hampshire.....	8:00	6:00
New Jersey.....	8:00	6:00
New Mexico.....	8:00	6:00
New York.....	8:00	6:00
North Carolina.....	7:00	7:00
North Dakota.....	8:00	9:00
Ohio.....	8:00	6:00
Oklahoma.....	8:00	6:00
Oregon.....	8:00	8:00
Pennsylvania.....	8:00	9:00
Rhode Island.....	8:00	6:00
South Carolina.....	8:00	6:00
South Dakota.....	8:00	8:00
Tennessee.....	8:00	6:00
Texas.....	8:00	6:00
Utah.....	8:00	6:00
Vermont.....	8:00	6:00
Virginia.....	8:00	6:00
Washington.....	8:00	8:00
West Virginia.....	8:00	8:00
Wisconsin.....	8:00	8:00
Wyoming.....	8:00	8:00
Puerto Rico.....	8:00	6:00

The times noted above shall be determined on the basis of the local time in effect for the area in which the polling place is located.

§ 717.6 Notice of referendum.

(a) *Posting a notice.* The county committee shall give public notice of the referendum in each referendum community by posting a notice at one or more places open to the public within such community prior to the date of the referendum. Such notice shall be on a form prescribed by the Deputy Admin-

istrator and shall state the commodity or commodities and marketing year, or years, or crops for which the referendum is to be held, the location of the polling places in the community, the date of the referendum, and the hours when the polls will be opened and closed. The county office manager is authorized to sign such notice on behalf of the county committee.

(b) *Use of agencies of public information.* The county committee and community referendum committees will utilize to the extent practicable (without advertising expense) all available agencies of public information, including newspapers, radio and other means, to give persons in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice should be given as soon as practicable after the arrangements for holding the referendum in the county have been made.

§ 717.7 Manner of voting.

(a) *Secret ballot.* The voting in the referendum shall be by secret ballot. Each voter shall, at the time he is handed the form on which to cast his ballot, be instructed to mark his ballot form so as to indicate clearly how he votes and in such manner that no one else shall see how he votes and then to fold his ballot and place it in the ballot box without allowing anyone else to see how he voted. A suitable place where each voter may mark and cast his ballot in secret and without coercion, duress, or interference of any sort whatever, shall be provided in each polling place. Every unchallenged ballot shall be placed in the ballot box by the person who voted it. The fact that a voter fails to fold a ballot placed in the ballot box shall not invalidate it. It shall be the duty of each community referendum committee to see that no device of any sort whatever is used whereby any voter's ballot may be identified except as provided in the regulations in this part in the case of a challenged ballot or an absentee ballot.

(b) *Voting by proxy prohibited.* There shall be no voting by proxy or agent, or in any manner except by the eligible voter (or the challenged voter under paragraph (d) of this section) personally depositing in the ballot box his ballot as marked by him (except as provided herein in the case of an ab-

sentee ballot), but a duly authorized officer of a corporation, association, or other legal entity, may cast its vote.

(c) *Absentee ballots.* Any person who will not be present on the day of the referendum in the county in which he is eligible to vote or who will be prevented from voting in person on the day of the referendum because of physical incapacity, or whose religious belief forbids him from voting on the day of the referendum, may obtain prior to the date of the referendum, one ballot from an ASCS State or county office conveniently situated for him, or from the Farmer Programs Division, ASCS, Department of Agriculture, Washington, D.C., and cast an absentee ballot. The office so issuing the ballot form shall endorse on the reverse side thereof a statement in substantially the following form identifying the place in which it was issued and the county to which it will be mailed or delivered, initialed and dated by the person issuing such form.

Issued in _____ County _____
 _____ State, or by _____ ASCS
 State Office, or by _____ Division,
 ASCS, Washington, D.C., for use in _____
 _____ County, _____ State.

The issuing office shall keep a register showing for each ballot form so issued by it to be voted absentee the name and address to whom issued, the date of issuance, and the county and State in which the ballot is to be voted, and the name and title of the person who issued the ballot. The person to whom the ballot is issued shall mark the ballot so as to indicate clearly how he votes and place the ballot in a plain envelope which shall be marked clearly with the words "Absentee Ballot", sealed and inserted in another envelope which shall be marked clearly with the voter's name and return address, sealed and delivered, or mailed, postage paid, to the county committee for the county in which he is eligible to vote. All absentee ballots must, in order to be accepted, reach the county office for the county in which the voter is eligible to vote by not later than the hour for closing the polls in the county on the day of the referendum. No such ballot shall be counted unless the voter's name and address appear on the envelope and it is determined that he is eligible to vote.

(d) *Challenged ballots.* The community referendum committee or any member thereof shall challenge the eligibility of any person to vote in the referendum

where (1) the community referendum committee or any member thereof is unable to determine that the person is eligible to vote in the referendum in the community, or (2) the community referendum committee or any member thereof has reason to believe that such person has previously voted in the referendum in another community in the same or another county in person or by mail. In every case where the eligibility of the voter is challenged, his ballot form, after being marked by the challenged person so as to show how he votes, but in such manner that no one else sees how he votes, shall be folded and placed by him (or by a member of the committee if he refuses) in an envelope, which shall then be sealed and placed in another envelope, identified with his name and address, the word "Challenged" and a statement of the reason for the challenge, and shall then be placed in the ballot box. The county committee shall make an investigation in each case of controversy or dispute regarding the eligibility of a voter to vote in the referendum. In each case of a challenged ballot the eligibility of the person to vote in the referendum shall be determined by the county committee as soon as may be possible after the polls are closed and before the time for forwarding to the State committee the county summary of ballots on Form MQ-7. If it is determined that the person whose vote was challenged is eligible to vote, the sealed envelope containing the ballot shall be placed with the challenged ballot of every other person found to be eligible to vote until all challenged ballots have been passed upon by the county committee. If it is not determined that the person whose vote was challenged is eligible, the sealed envelope shall be marked "Not eligible" and signed by a member of the county committee and shall not be opened. When all of the challenged ballots have been passed upon by the county committee, the challenged ballots which were cast by eligible voters shall be opened and tabulated on the county summary of ballots, but no disclosure shall be made as to how any particular person voted.

(e) *Ballot box.* Each polling place shall be furnished with a suitable ballot box. Any container of sufficient size so arranged that no ballot can be seen or removed without breaking seals on the container will be suitable. When strip adhesive paper or corresponding seals

are used on the ballot box, such seals shall be signed or initialed by the chairman or a member of the community referendum committee so that breaking or replacing the seal will so destroy or affect the identifying marks as to show that the seal has been tampered with.

§ 717.8 Local arrangements for holding the referendum.

The county committee shall see to it that all arrangements for the proper holding of the referendum in accordance with the regulations in this part have been completed prior to the date of the referendum. The county committee shall instruct each community referendum committee concerning its duties and see to it that each member of the committee understands his duties and the duties of the committee in all respects, with particular emphasis as to (a) issuing ballot forms, (b) challenged ballots, (c) recording votes, (d) tabulating ballots, and (e) certifying results of the referendum in the referendum community. The county office manager shall allot to each community referendum committee an adequate supply of ballot forms, and prior to the time the polls in the county are opened for the acceptance of ballots deliver the ballot forms and Forms MQ-6, the community summary of ballots, to each chairman of the several community referendum committees.

§ 717.9 Issuing ballots to voters.

The community referendum committee shall open the polling place for the issuance of ballot forms and the casting of ballots at the time designated and shall thereafter until the time when the polls are required to be closed and the casting of ballots discontinued issue a ballot to each person who is eligible to vote and applies for a ballot and to each person who claims to be eligible to vote and insists upon voting even though his eligibility to vote is challenged by a member of the committee. The community referendum committeeman who issued the ballot form shall, at the same time, enter in the column headed "Ballot Cast" of the register of voters opposite the name and address of the person voting a record of the issuance of the ballot. When the eligibility of the voter is not challenged, the record shall be made by entering in the column headed "Ballot Cast" the initials of the community referendum committeeman. When the

eligibility of the voter is challenged, the record shall be made by entering in the column headed "Ballot Cast" the letter "C" and the initials of the community referendum committeeman. Ballot forms shall be issued and ballots placed in the ballot box while at least two members serving on the community referendum committee are physically present in the polling place and in position to see each ballot form as it is issued and each ballot as it is placed in the ballot box.

§ 717.10 Community referendum committee's canvass of ballots and records of results of the referendum.

(a) *Canvass of ballots.* Immediately after the polls are closed, the community referendum committee shall open the ballot box and canvass the ballots cast. The canvass of the ballots shall be kept open to the public. A ballot shall be considered as a spoiled ballot if it is mutilated or marked in such a way that it is not possible to determine with certainty how the ballot was intended to be counted on a particular question. The envelope containing the challenged ballots shall not be opened. The total number of ballots issued as shown on the register of voters shall be determined and the total number of ballots cast, including the spoiled and challenged ballots, shall be determined. The number of ballots cast in favor of and the number of ballots cast in opposition to the marketing quotas for which the referendum was held shall be determined. The spoiled ballots and challenged ballots shall not be considered in favor of or against the marketing quotas. If any member of the community referendum committee should happen to see or learn how any person besides himself voted, whether or not the ballot was challenged, spoiled, or otherwise, he shall not disclose such knowledge to a fellow committeeman or any other person except in an investigation conducted under the regulations in this part.

(b) *Record of results of the referendum.* The community referendum committee shall notify the county committee by telephone, telegraph, messenger, or in person of the preliminary count of the votes on each question and of the number of spoiled and challenged ballots, as soon as may be possible. All the spoiled ballots shall be placed in an envelope and sealed and marked with the initials of the chairman (or vice-chairman) of the community referendum committee and

the designation "Spoiled Ballots" followed by the number of spoiled ballots and the names of the community, the county and the State. The community referendum committee shall execute the certification as to the accuracy of the register of ballots cast on Form MQ-4. The community referendum committee shall then prepare and execute the community summary of ballots on Form MQ-6 and post one copy thereof, as soon as it is executed, at a conspicuous place at the polling place, so that it will remain posted and accessible to the public for at least three calendar days after the holding of the referendum. The community referendum committee shall seal the voted ballots, including those challenged and spoiled, the register of eligible voters, and ballots cast, and the community summary of ballots, in one or more envelopes appropriately identified by the names of the community, the county, and the State, and the nature of the referendum and the date on which it was held, and deliver them to the county committee not later than 9:00 a.m., local time, on the second calendar day next succeeding the date of the referendum, together with the unused ballot and other forms. The chairman (or vice-chairman) of the community referendum committee shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

§ 717.11 County committee's canvass of ballots and record of results of the referendum.

(a) *Receiving and tabulating the results of the referendum.* The county committee shall open and canvass the absentee ballots received after the closing of the polls and determine the eligibility of each voter. If any person voting absentee is found to be ineligible to vote, or the ballot is so mutilated or marked that it is not possible to determine with certainty how the person intended to vote, such ballot shall not be counted as for or against any particular question in the referendum. The county committee shall meet and pass upon the challenged ballots as soon as may be reasonably possible after the challenged ballots are received from the community referendum committees, but not later than four days after the day of the referendum. The results of the referendum in each community shall be reviewed and summarized as soon as may be reasonably possible after the records, ballots and

forms are received from the several community referendum committees. Every meeting of the county committee for the purpose of canvassing the ballots cast and reviewing and tabulating the results of the referendum shall be open to the public. No member of the county committee who learns how any person besides himself voted, whether the ballot was an absentee ballot, challenged, spoiled, or otherwise, shall disclose such knowledge to any fellow committeeman or other person except in an investigation conducted under the regulations in this part.

(b) *Record of the results of the referendum.* The county committee shall notify the State committee by telephone, telegraph, or messenger (who may be a member of the county committee), as to the preliminary count of the votes on each question and the number of challenged ballots by the several community referendum committees as soon as possible. The county committee shall, as soon as may be reasonably possible, but in no event later than four calendar days after the date of the referendum, have prepared and certified by the county office manager the county summary of ballots on Form MQ-7. Form MQ-7 shall be prepared and certified in triplicate, one copy of which shall be sent forthwith to the State committee, one copy posted for 30 calendar days in a conspicuous place accessible to the public in or near the office of the county committee, and one copy filed in the office of the county committee and kept available for public inspection. One copy of each community summary on Form MQ-6 shall likewise be posted for 30 calendar days in a conspicuous place accessible to the public in or near the office of the county committee.

(c) *Disposition of ballots and records.* The county committee shall seal the voted ballots, challenged ballots found to be ineligible, spoiled ballots, register sheets, and community summaries for the county in one or more envelopes or packages, plainly marked with the identification of the referendum, the date, and the names of the county and State, and place them under lock and key in a safe place under the custody of the county office manager for a period of 30 calendar days after the date of the referendum. If no notice to the contrary is received by the end of such time, and after the ballots and other records have been examined by a representative

of the State committee, the voted ballots and challenged ballots shall be destroyed, but the registers and community and county summary sheets on Forms MQ-4, 6 and 7, shall be filed for a period of five years in the office of the county committee.

(d) *Investigations as to the correctness of the summary of the referendum.* The county committee shall make an investigation in each case of a dispute of challenge regarding the correctness of the summary of the referendum in a community. No dispute or challenge shall be investigated by the county committee unless it is brought to its attention within three calendar days after the date on which the referendum was held. The county committee shall promptly decide the dispute or the challenge and report its findings to the State committee within five calendar days after the holding of the referendum and send by registered mail, or deliver in person, to the office of the State committee all voted ballots, register forms, and community summary sheets involved in the dispute or challenge.

§ 717.12 State committee's record of the result of the referendum.

The State committee for each State shall notify the Deputy Administrator by telegraph or telephone as to the preliminary count of the votes in the State as soon as the preliminary results of the referendum are made known to the State committee. The county summaries of ballots on Forms MQ-7 shall be summarized on the State tabulation of ballots on Form MQ-8 as soon as possible, but in no event later than seven calendar days next succeeding the date of the referendum, unless there is a dispute or challenge regarding the correctness of the summary for any county, in which case the State committee shall complete its investigation thereof, decide the dispute or challenge, and prepare the State tabulation accordingly within fourteen calendar days next succeeding the date of the referendum. The State summary shall be prepared in triplicate and certified to by the State executive director. The original and one copy of the State summary shall be forwarded to the Director, Policy and Program Appraisal Division, ASCS. One copy of the State summary shall be filed for a period of five years in the office of the State committee available for public inspection.

§ 717.13 Results of referendum.

(a) *Proclamation of results.* The final and official tabulation of the votes cast in the referendum will be made by the Deputy Administrator and reported to the Secretary and the result of the referendum will be publicly proclaimed by him. The State summaries on Forms MQ-8 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection in the Department of Agriculture.

(b) *Unofficial announcements of results.* Each county committee is authorized to give out unofficial reports of the total "Yes" and "No" votes in its county to the public, press and other inquirers. Each State committee is authorized to release to the press and other inquirers the unofficial results of the referendum in its State by counties as rapidly as the votes in the various counties are reported to it.

(c) *Investigations.* If the Deputy Administrator or the Secretary deems it necessary, the report of any community referendum committee, county committee, or State committee shall be re-examined and checked by such persons or agents as may be designated.

§ 717.14 Applicability of regulations to Puerto Rico.

The Agricultural Stabilization and Conservation Caribbean Area Committee shall be in charge of and responsible for conducting in the Commonwealth of Puerto Rico each referendum on marketing quotas for any commodity required by the Act. Insofar as applicable, the ASC Caribbean Area Committee shall perform all the duties and assume all the responsibilities otherwise required of State and county committees as provided in the regulations in this part, except that (a) the Director, Agricultural Stabilization and Conservation Caribbean Area Office shall nominate for appointment the members and alternates to serve on community referendum committees and shall establish the boundaries of referendum communities in such a manner that polling places therein will be conveniently located for the farmers eligible to vote in the referendum, and (b) following the canvass of the ballots as provided in § 717.10 the community referendum committee shall report the results of the referendum to the ASC Caribbean Area Committee.

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Sec.	
718.1	Basis, purpose, and applicability.
718.2	Definitions.
718.3	Functions of county committee, State committee, Director, and Deputy Administrator.
718.4	Identification of farms.
718.5	Determination of crop and land use-acreages.
718.6	Equipment and materials.
718.7	Farm inspection and determination of compliance.
718.8	Report of acreage.
718.9	Computation of acreage.
718.10	Notice to farm operators.
718.11	Spot checks.
718.12	Cost of measurement.
718.13	Redetermination of acreages.
718.14	Adjustment of acreage.
718.15	State committee options.

AUTHORITY: §§ 718.1 to 718.15 issued under secs. 301, 313, 314, 334, 335, 353, 354, 355, 358, 374, 375, 52 Stat. 38 as amended, 47, as amended, 48, as amended, 53, as amended, 54, as amended, 57, as amended, 58, as amended, 61, as amended, 62, as amended, 65, as amended, 66, as amended, 55 Stat. 88 as amended, secs. 101, 105(c), 401, 63 Stat. 1051, as amended, 1054, as amended, 75 Stat. 6, as amended, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198, secs. 16(e), 16(g), 76 Stat. 606, 612; 7 U.S.C. 1301, 1313, 1314, 1335, 1344, 1345, 1353, 1354, 1355, 1358, 1374, 1375, 1441, 1441 note, 1421, 1153, 1812, 16 U.S.C. 590(p).

SOURCE: §§ 718.1 to 718.15 appear at 28 F.R. 8117, Aug. 8, 1963, except as otherwise noted.

§ 718.1 Basis, purpose, and applicability.

(a) *Basis and purpose.* The regulations set forth in this part are reissued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Agricultural Act of 1949, as amended (7 U.S.C. 1441 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Soil Bank Act (7 U.S.C. 1801 et seq.), and the Food and Agriculture Act of 1962 (Public Law 87-703, approved September 27, 1962, and Public Law 87-801, approved October 11, 1962) for the purpose of prescribing the provisions governing the determination of acreages and compliance under the marketing quota, acreage allotment, sugar, soil bank, wheat stabilization, feed grain, and related programs administered by the Agricultural Stabilization and Conservation Service. This reissuance is for the purpose of reorganizing